IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Robert Samuel Pimentel,	Case No. 9:25-cv-00031-RMG-MHC
Plaintiff,	
v.	**ORDER**
Charleston County, Snyder, Gorden,	
Defendants.	

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending this action be dismissed without prejudice under Rule 41 of the Federal Rules of Civil Procedure. Plaintiff Robert Samuel Pimentel, proceeding pro se, brings claims under 42 U.S.C. § 1983.

I.   Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but

instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

II.   Discussion

The Court finds that the Magistrate Judge properly summarized the factual and legal issues involved and correctly concluded that the matter should be dismissed without prejudice.

The Magistrate Judge issued a Proper Form Order on February 10, 2025, giving Plaintiff 21 days, plus 3 days for mail transit time, to bring this case into proper form. Plaintiff was warned that failure to provide the necessary information (a signed and completed complaint form, payment of the filing fee or a signed and completed Application to Proceed Without Prepayment of Fees and Affidavit (Form AO-240), a summons form listing the Defendants named in this matter, and a signed Form USM-285 for each named Defendant) within the timetable set forth in the Proper Form Order would subject the case to dismissal. Plaintiff was also directed to sign and return a copy of his unsigned motions to proceed in forma pauperis (Dkt. No. 2), for appointment of counsel (ECF No. 3), for injunctive relief from custody (Dkt. No. 4), and "to waive[] requirement to claim innocence" (Dkt. No. 5). (Dkt. No. 7).

On April 9, 2025, the Magistrate Judge issued a Report and Recommendation stating, "The time to bring this case into proper form has now lapsed, and Plaintiff has failed to provide a response to the Proper Form Order or to contact the court in any way." (Dkt. No. 11).

At the time he filed this action, Plaintiff appears to have been a pretrial detainee at the Sheriff Al Cannon Detention Center. (Dkt. No. 1-1). The Proper Form Order and the R & R were returned to the Court with notations of return to sender, unable to forward, and that Plaintiff was released on January 17, 2025. (Dkt. No. 10). Plaintiff was advised by the Magistrate Judge that he had the affirmative duty to update any change of address in writing to the Clerk. (Dkt. No. 7 at 3).

Plaintiff has failed to update his address with the Court, respond to the Magistrate Judge's Proper Form Order, or file objections to the R & R.

The Court finds that the Magistrate Judge accurately sets forth the proper legal standard for a failure of Plaintiff to bring the complaint into proper form and correctly concluded that the case is subject to dismissal without prejudice. Consequently, the Court adopts the R & R of the Magistrate Judge (Dkt. No. 11) as the order of the Court and dismisses this action without prejudice.

AND IT IS SO ORDERED.

s/Richard M. Gergel
Richard Mark Gergel
United States District Judge

May 6, 2025
Charleston, South Carolina